# Policing "landscapes" for the rule of law and public protection: A review of the available evidence on organizational policies, structures, and human resources

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# Overview

- **Rule of Law concepts and definitions**

- **Police reform models**

- **Evidence review**

- **Summary of the evidence**

- **Policing and the ROL in the pandemic and post-pandemic**

**UNITED NATIONS**
**and the RULE OF LAW**

For the United Nations (UN) system, the rule of law is a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires measures to ensure adherence to the principles of supremacy of the law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.

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**USAID "Essential elements of the ROL"**

**Essential Elements of the Rule of Law**

Order and Security

Legitimacy

Checks and Balances

Fairness
- Equal application of the law
- Procedural fairness
- Protection of basic human rights and civil liberties
- Access to justice

Effective Application

## ROL and Police Reform: David Bayley's framework

- Legal framework for policing

- Independent Oversight

- Recruiting and retaining right sort of people

- Developing the capacity of police executives to manage reform

- Making prevention of crime the primary focus

- Requiring Legality and Fairness

# Organisational purposes, structure and accountability

## Evidence

- Comparative and historical

- Case studies

- Mixed methods reform studies

- Experimental studies of technology

## Key points

- Military v Civilian models matter

- Low and High policing

- Transnational policing accountability void

- Decentralization and community policing

- "Tabula Rasa" re-forming of failed agencies?

# Body Worn Cameras

Campbell Systematic Review findings by Lum et al. (2020):

"did not have a consistent or significant effects on officers' use of force, arrest activities, proactive or self-initiated activities, or other measured behaviors" (p. 1) But….

**implementation** and **deployment** are key variables for effectiveness.

# "Tabula Rasa": abolition and re-formation

- Georgia, Peru and Camden, NJ cited as examples
- Abolition or amalgamation linked to improved outcomes
- Mixed methods studies
- Contexts clearly significant
- Limited Evidence on sustained improvement

# Accountability: checks and balances

- Challenge of achieving balance between
  - political direction ("subservience") and
  - professional leadership ("separation")
- Stability of leadership – tenure – important for capability to sustain improvement

**MUMBAI NEWS**

### Ambani threat case: Mumbai top cop removed

The decision to move Singh out was taken after a series of meetings over the past two days: between chief minister Uddhav Thackeray of the Shiv Sena, and Sharad Pawar, chief of the Nationalist Congress Party which is an ally in the state's ruling MVA government on Monday.

By Surendra P Gangan, Faisal Malik, Hindustan Times, Mumbai
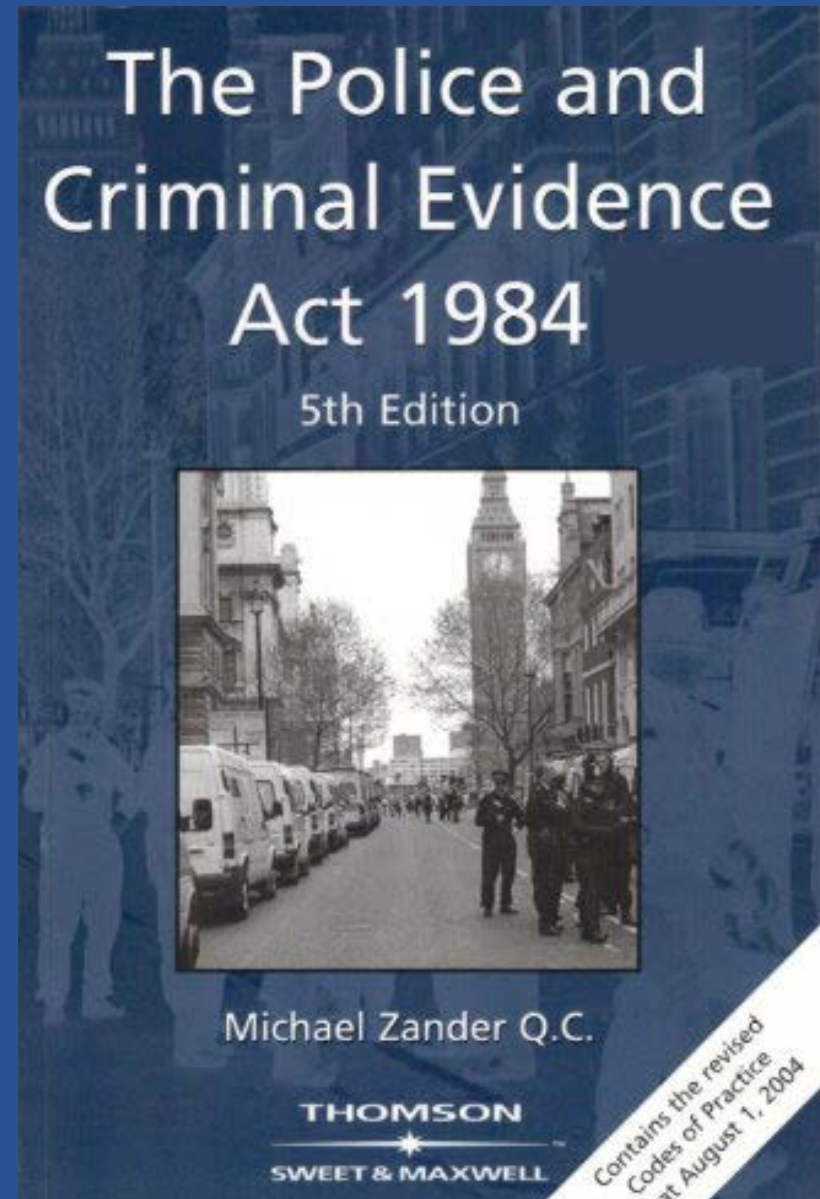UPDATED ON MAR 18, 2021 03:24 AM IST

# Organizational policies and practices

- **Evidence-based policing**

- **Community Policing**

- **But only Community Policing can be claimed to have achieve nation-level implementation (in England and Wales)**

# Legal Frameworks: operational and legal standards

- **Regulation of**

  - **Detention**

  - **Interviewing**

  - **Search**

  - **Identification**

- **Evidence from pre-/post studies and international reviews**



The Police and Criminal Evidence Act 1984

5th Edition

Michael Zander Q.C.

THOMSON
SWEET & MAXWELL

Contains the revised Codes of Practice at August 1, 2004

# Regulating street powers: less effective?

- But less regulated stop and search appears to be far more problematic (Murray, 2014)

## Covert policing and surveillance:

- Examples of oversight and legislation
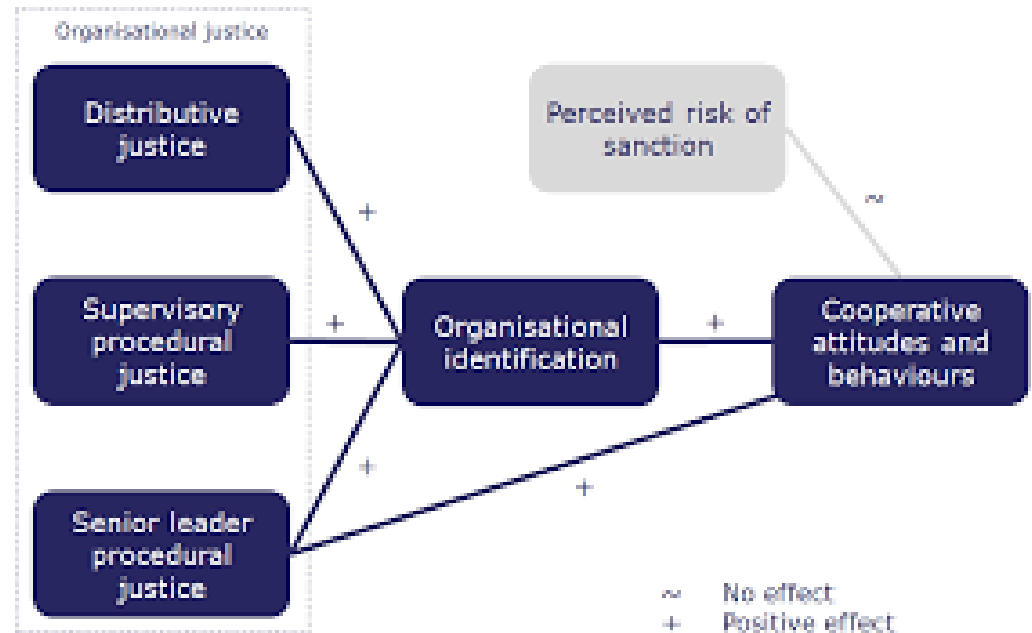
- But not credible evaluation

# Leadership, management and human resources

# Procedural Justice: inside the police organisation

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is second nature...

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representative of the community
we serve and welcomes all applicants
interested in a career in policing.

we care • we listen • we act

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## Staffing the police with the right people…

- Recruiting the right people

- Diversity and Equality strategies

  - Gender representation

  - Minority representation

The police response to protests needs to strike a better balance between the rights of protesters and the rights of local residents and businesses.

Getting the balance right? A report into policing of public protest
March 2021

HMICFRS

# Complaints Investigation and independent oversight

There is "little information as the effectiveness of either internal affairs/professional standards (vertical accountability) or external civilian oversight bodies (external accountability) as methods of enhancing police accountability"

But…Independent "Audit" looks promising

# Data for ROL?

| Level | Function | Audit/Inspection role | Data | Public accountability |
|---|---|---|---|---|
| Neighbourhood | Local delivery and problem-solving | Managers at Local Command level | Crime, disorder outcomes<br>Response to public concerns and problems | Local public meetings and community partnerships |
| Local Command | Management of delivery | Internal – agency level – inspection | Crime and disorder data<br>Custody and stop and search, arrests and searches<br>Criminal justice outcomes<br>Complaints and misconduct allegations | Local elected bodies |
| Police Agency | Strategy, specialist services and management support | Internal and external audit and inspection | Public perceptions of procedural justice<br>Victim surveys<br>Corruption cases<br>Deaths resulting from police actions<br>Budget | Agency level Public body |
| National Policing | National strategy and direction and specialist services | | In addition to the above data on areas such as covert policing and national/transnational policing operations | Parliament/National democratic institutions |

# Summary

## What works?

- Using an **Evidence-based policing** approach to reduce harm by targeting, testing and tracking high risk places, people and the most vulnerable victims.

- **Community policing**, linked to problem-oriented policing

## What is promising?

- **legal regulation**

- **Cognitive, investigative interviewing**

- **Body Worn Cameras**

- **Focused audit**

- **Procedural justice strategy**

- **Restorative justice**

# Summary (2)

## What is weak/backfires?

**legal regulation of street powers**

**screening** recruitment

**representative police service**

The **tenure and appointment of Chief officers**

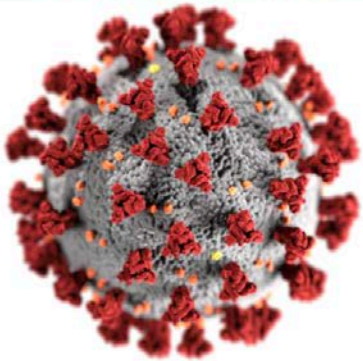different **models of policing.**

A **"Tabula Rasa"** approach

**Early Warning Systems**

## Significant gaps?

There is "extremely limited data on **what works in police accountability**'.

The **effectiveness of different models of internal investigation**, professional standards or external civilian oversight bodies.

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**A Comparative Study of Police Organizational Changes During the COVID-19 Pandemic**

ALISSA ECKERT, MS; DAN HIGGINS, MAMS / CDC

Sanja Kutnjak Ivković, Ph.D., S.J.D.
**Michigan State University**

Jon Maskaly, Ph.D.
**University of North Dakota**

Peter Neyroud, Ph.D.
**University of Cambridge**

# Lessons of Policing impacts of COVID 19?

- Policing has had to "socially distance" its operations

- Greatest impact on community policing

- Evidence of increased deployment of public order/specialist units

# ROL Issues that emerged

- General experience of "frenetic pace of change in policies and procedures"

- Unclear and muddled requirements rushed out and poorly communicated

- "The changes that were necessary should be communicated in as clear and succinct manner as possible so that the people who are responsible for enforcing these changes know more precisely what they are meant to be doing."

# Policing the future

- **Pandemic has accelerated changes to police demand management: leadership challenge is retaining the most effective changes**

- **Cybercrime: has grown in last 12 months**

- **Terrorism and radicalization: a post-COVID world may well be more fragile**

- **Rebuilding legitimacy: Community policing as a post-COVID strategy**